

# WEATHER FORECAST.

Light snow and cold to-day; fair and cold to-morrow; northwest winds. Highest temperature yesterday, 24; lowest, 12. Detailed weather reports on last page.



IT SHINES FOR ALL

VOL. LXXXV.—NO. 108.

NEW YORK, MONDAY, DECEMBER 17, 1917.

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ONE CENT In Greater New York Elsewhere TWO CENTS

## MEANS FREE OF CHARGE HE SHOT BENEFACTRESS

Jury After Night's Sleep Finds Him Not Guilty of Mrs. King's Death.

### FEW HEAR THE VERDICT

He Soon Appears on Streets to Receive Congratulations of His Friends.

### Special Dispatch to The Sun

COSMOS, N. C., Dec. 16.—(Gaston R. Means walked out of the Cabarrus county court house to-day a free man, after having been in jail since the latter part of September on the charge of murdering Mrs. Maudie A. King of 1153 Park avenue, New York, his employer and benefactress. The jury which tried Means returned a verdict after having his case for fifteen hours and twenty-two minutes. Part of that time was spent eating two meals and about ten hours of it in sleep.

It is believed the jury reached a verdict last night after two or three ballots. It was 10 o'clock when J. Frank Goodman, who had been elected foreman, sent for Sheriff Caldwell and informed him that the jury were tired and intended to go to bed.

Nothing further was heard from the jury until they had been given their breakfast at about 8 o'clock this morning. At a little before 10 o'clock this morning the sheriff sent for Judge Cline and said the jury had agreed. The sequestration in the tower of the court house was tolled and Concord knew that "Pud" judges had agreed. There were comparatively few persons in the court room when the verdict was announced. Judge Cline took his seat on the bench. Means was attended by his father, Col. William H. Means, and by his wife, who stood beside him during the eighteen days of the trial.

### Wife Tells Audibly

The only lawyer at the counsel table of the defense were Frank I. Osborne and Lee J. Crowley of the eight men who had served Means. State Solicitor Clement was alone at the prosecution's table. The jurors filed in noisily and Means positively beamed on them. His wife was sobbing audibly when Judge Cline instructed the sheriff to watch closely for any disorder.

"There must be no demonstration of approval or disapproval," the court said. "Any one guilty of transgressing this rule will be punished at once for contempt of court."

The court clerk asked whether or not the jurors had selected a foreman and the twelve men who were to hear the case. Frank Goodman will be our spokesman. "Gentlemen, you are agreed upon a verdict," droned the clerk.

"We have," the juryman responded with a deep bass voice. "How say you, is the defendant guilty or not guilty?"

"Not guilty."

"And so say you all?"

Each juror then voted not guilty as his name was called. Mrs. Means was sobbing louder than ever as the defendant took her seat and said to the jury "We thank you."

Leaves Court at Once.

Solicitor Clement then informed the court that there was to be other charges against Means and moved that he be discharged from custody. Judge Cline granted the motion. Means first hurried to the home of his mother, Mrs. W. Means, where his elderly mother awaited news of the verdict. Then he went to his home. In a half hour, however, he was on the street receiving the congratulations of his friends. He maintained throughout the same remarkable demeanor which has baffled even his own lawyers. The only approach to bitterness today was a comment remark to a North Carolina newspaper reporter who sought to congratulate him. "I hope I shall learn to write the truth hereafter," Means said.

There is a great deal of conjecture as to Means's next move. His friends assert he will seek replevin on certain banking institutions which they allege have been persecuting him. He is expected from probating what purports to be a second will of James J. King, the dead woman's husband. Under the terms of the alleged will Mrs. King was to receive \$14,000,000. Mrs. Maize C. Melvin, Mrs. King's sister, is executrix of her estate under a will made months before her death. Mrs. Melvin has been in court contesting the will to Means, and has been living in his father's home.

This woman was the target for a later attack by Mrs. T. J. Acosta, a 2nd District Attorney of New York, in the summation of the State's case on Friday.

SHIP BUILT IN SEVEN MONTHS.

This Includes Erection of the Plant in Los Angeles.

WASHINGTON, Dec. 16.—A telegram to the Shipping Board today told of the launching at Los Angeles of the first steel merchant ship contracted for by the Emergency Fleet Corporation. The vessel was one of eight of \$360 tons capacity each ordered May 12 from S. L. Naphaly.

Turning out the vessel within seven months when the yard in which it was built had to be constructed every contract was let was hailed by Shipping Board officials as demonstrating what American industry can do in an emergency. The vessel contracted for by the Fleet Corporation already has been launched, but it came from a yard at Seattle which has been in operation for many years.

FLIER BREAKS LEGS IN FALL.

Attleboro Man Injured at French Aviation School.

## PERSHING NAMES 15 NEW YORK ENGINEERS MISSING SINCE BATTLE

Seventeen Men in His List, All From This Vicinity, Except Two, Fought Germans Nov. 30 South of Cambrai.

### Special Dispatch to The Sun

WASHINGTON, Dec. 16.—Gen. Pershing to-day reported to the War Department the names of seventeen additional men of the United States Engineer Corps, of whom all except two hail from New York and vicinity, who have been missing since November 30, when they became involved in the fighting near Gouzeaucourt, south of Cambrai.

The American Engineers were building a supply railroad to the new British front when the German counter attack was delivered. The British were driven back, the Germans sweeping over their lines, and it is believed the missing men were captured.

A little later the British came back in their counter attack and many of the Americans, who had taken shelter in shell pits when the German drive occurred, joined the British, picking up what weapons they could find and in some cases using only their bare fists, in driving the Germans back to their own ground. They were highly commended by Field Marshal Haig and other commanders for their gallantry in this action.

The missing men, all privates except two non-commissioned officers, are: ANDREWS, HAROLD T.; Frank Bradford, Union Montreal Building, Portland, Me. BROOKS, FRANK; D. Warshop, 218, 949 Fox street, New York city.

DINA, MICHAEL; James Dina, father, 147 East Fourth street, New York city. GEORGE, CHARLES A.; Mrs. Michael George, mother, 511 West 151st street, New York city.

GOLDWATER, SOLOMON; Miss Rose Pearlstein, friend, 42 East 119th street, New York city. LAM, JAMES; Michael Lally, father, Golden Bridge, Westchester county, N. Y.

LOVELL, LUKE A.; Thomas Lovell, father, 101 North Stevens avenue, South Amboy, N. J. MANEY, TILGH; John N. Maney, father, 1793 Amsterdam avenue, New York city.

MASON, HARRY J.; Mrs. O. Mason, mother, 257 Eighth street, Jersey City, N. J. MCGRATH, ALPHONSO J.; Timothy McGrath, next of kin, 1185 Boylston street, New York city.

RANLEY, DALTON; D. M. Ranley, father, 115 Forty-fourth street, Corona, L. I. SEAMAN, GEORGE H.; Mrs. Anna Seaman, mother, 1032 Emerald street, Woodhaven, L. I.

SWENSON, PAUL M.; Sergeant, 313 E. E. Swenson, mother, 366 Wadsworth street, New York city. TINGO, PETER J.; Mrs. Anthony Tingo, mother, 2419 Arthur avenue, New York city.

UPTON, HERBERT F.; Mrs. A. Karl, mother, 78 Union street, Newark, N. J. UPTON, FRANK; Corporal; Mrs. Jane Upton, wife, 411 West Twenty-fourth street, New York city.

VAN DE MARK, MYRON; Mrs. A. R. Van de Mark, mother, New Paltz, N. Y.

RELATIVES TELL OF 17 MISSING HEROES

A little girl of 12 years opened the door of an apartment at 254 West Twenty-second street last night in response to a call of a SUN reporter who was there to learn something of the history of Private Francis Joseph Upton of the First Reserve Engineer Corps, reported as missing by Gen. Pershing.

"I am Francis Upton," she said by way of introduction, "and Mr. Upton is my father."

The reporter seated himself in a family group consisting of Upton's wife, Jennie, his son, Leo, 16 years old; another daughter, Hazel, 14, and the soldier's father, William Cleary Upton, who is 74.

"We don't believe anything serious has happened to papa," said Hazel, "and we just refuse to worry about it. That is all except Mama," and she looked wistfully across the room where Mrs. Upton was bravely smiling.

"I am sure," said Mrs. Upton, telling a piece of news that the SUN reporter had not known, "was the first man on the New York police force to join the colors, and he was such a brave man, he was on the front line, and I can't think that anything has really happened to him."

"I am sure," said the soldier's father, who was holding Francis on his knee, "that Frank will turn up somewhere. He was as brave a lad as lived and he was as good a son as I ever had. He deserted him. I think he was captured, but you can depend upon it that he was one of those men who they said grabbed a gun and got into the thick of it."

But by the reporter learned the history of the policeman-soldier-father that gave up all the happiness that a man could want in this world to serve his flag.

Upton, it seemed, was born in Limerick, Ireland, and was 39 years old. As he studied all the time and could speak six languages, among them being German, French and Yiddish. He joined the police force seventeen years ago, and almost from the start distinguished himself by a record of daring and exhibitions of unlimited courage.

Known as "the Midget Cop," although of small stature, so that he was known to his friends by the sobriquet of "the Midget Cop," he was very muscular, as several dentists of the city House district, where he was stationed for years, discovered to their sorrow.

One time he grappled with a burglar at 15 Abington square, and in the fight that followed both fell to the sidewalk. Frank, however, got up first and he ran on to his man, but when help came he was taken to St. Vincent's Hospital, where he lay ill for weeks. Because of his linguistic skill he was given a good deal of detective work and was one of the sleuths employed to run down and arrest Dago Frank and Whitey Lewis in the Becker case.

Recently he wrote to his family that he was becoming "an expert dodger," but told them not to be frightened as he was sure he would get through all right. His father laughed when he told how "Frank" had run away when he was 15 years old and joined the navy. "He was always crazy about the army or the navy," the youngest girl, has been "doing her bit" at war relief bazaars and fairs by dancing, while Hazel recently received a scholarship from the Manhattan Trade School for Girls for sewing.

At the home of Charles A. George, at 511 West 155th street, who was attached to the Reserve Engineer Corps, was a letter from Upton dated December 10, 1917.

Continued on Fifth Page.

## ARMISTICE BY BOLSHIEVIK IN EFFECT TO-DAY

Both Berlin and Petrograd Proclaim Immediate Negotiations for Peace.

### RUSSIA VIOLATES PLEDGE

Action Makes Her Liable to Treatment as Enemy by Entente Allies.

### Version of Bolsheviki

An armistice agreement was signed at Brest-Litovsk yesterday by plenipotentiary representatives of the Russian army administration on the one hand and those of the upper army administrations of Germany, Austria-Hungary, Bulgaria and Turkey on the other hand.

The armistice begins at noon December 17 and remains in force until January 14, 1918. Unless seven days notice is given it continues in force automatically. It extends to all the land and naval forces of the eastern front.

According to clause 9 of the treaty peace negotiations are to begin immediately after the signing of an armistice.

On the eve of the signing of the armistice, the Russian official statement follows:

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## COALFAMINE RELIEF PROMISED TO-DAY; GARFIELD ASKS ROAD SHIFT BLAME; ANOTHER SNOWSTORM IS FORECAST

### BRITAIN AHEAD, PITTSBURG WILL CURTAIL POWER

No Peace Based on Quo Ante or Renunciation Possible for Germany, He Says.

### DISTRESS TO DECIDE WAR

Evacuation of Calais No Equivalent for Giving Up Zeebrugge and Ostend.

### Special Dispatch to The Sun

AMSTERDAM, Dec. 16.—The German papers contain lengthy accounts of the speech of Grand Admiral von Tirpitz before the Hamburg branch of the Fatherland party in which the Admiral said:

"Up to the present in this war Great Britain has won rather than lost. Peace based on the status quo ante or on renunciation, therefore, is out of the question for Germany."

With reference to the rumor that Germany would evacuate Calais, von Tirpitz said:

"The evacuation of Calais would never be equivalent to the loss of any of our class security. Moreover, the Channel tunnel will become a fact after the war. For security we should have, besides Flanders and Antwerp, Calais and Boulogne. The rumor in question is a screen behind which the question of Flanders might be permitted to disappear."

"The pretext that we cannot coerce Great Britain and America fails to the ground when we consider the growing power of the cargo space of our railways. The time for final decision will come when real distress begins to take the place of merely threatening distress. That time will come. It is only a question of keeping cool."

Forwards, the Berlin Socialist organ, commenting on the alleged attempt to open preliminary peace discussions between Great Britain and Germany, demands that the Government tell the German people what it intended to communicate to Great Britain.

Attacking secret diplomacy, the paper suggests that both Governments are afraid to take the initiative lest it be considered a sign of hidden weakness. "What will it be realized," the paper asks, "that it is a great honor, instead of a disgrace, to strive with the enemy for a means for reconciliation with freedom and peace and not to end this inhuman slaughter?"

The Frankfurter Zeitung says: "Balfour did not say whether Britain was still willing to discuss the question, but there is no apparent reason why there should be a change. It is worth something that Britain formally declared her readiness for such discussion."

### BUREAU FOR U-BOATS.

German Navy Plans Submarine Craft in Separate Department.

LONDON, Dec. 16.—An Imperial decree prescribing for the duration of the war the formation of the new section in the German Imperial Navy Department to be called the "Bureau for U-boats," has just been published, according to an Amsterdam dispatch to Reuters.

The new department deals solely with U-boat affairs, which heretofore have been handled by the dockyard section of the Navy Department.

FRICK GIVES UP PRIVATE CAR.

Railroads Ask Other Patrons to Forego Luxury During War.

Special Dispatch to The Sun

WASHINGTON, Dec. 16.—Railroads, in response to a suggestion of the war board, are endeavoring to get their wealthy patrons to forego the use of their private cars. There are several hundred of such cars owned by individuals who pay eighteen fares a car to travel on the roads. The cars are used in addition to official cars used by officers of the system.

One of the first private car owners to respond to the suggestion is Henry C. Frick, who has notified the Pennsylvania management that his car will be laid up for the rest of the war.

"The extreme cold and snow have worked together to slow down the handling of all rail movements and in order to add commercial loads to the arteries covered by the recently placed embargo against eastbound freight in carload lots, this embargo is only temporary," the announcement said. "There are more than 200 cars of such coal at the western yards of the Boston and Maine, while between the mines and destination there are fully 2,000 cars of coal in transit to New England via and on the Boston and Maine."

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### PITTSBURG WILL CURTAIL POWER

Plants Manufacturing Non-Essentials to Be Shut Down.

### FEDERAL ORDER ISSUED

Only Munition and Other Necessary Concerns to Get Current.

### Special Dispatch to The Sun

PITTSBURGH, Pa., Dec. 16.—Plants in Pittsburgh manufacturing non-essentials will have to bear the entire burden of the power shortage in the Pittsburgh district, under an order issued by Robert J. Bulkley, under the authority of the Federal Fuel Administration at Washington. The Juques Light Company was ordered to cease immediately its zone rotary system of curtailing power, and a further order was made which will assure a plentiful supply of power for the complete operation of the street railway system even at the sacrifice of other industries.

Mr. Bulkley came to Pittsburgh a week ago from Washington to seek a solution of the power problem, which was making Pittsburgh unfit for the reception of war orders.

Every industry in Pittsburgh using electric power was weighed in the scale of its direct usefulness to the Government. Under the new order the arrangement will go into effect as soon as it is possible to get a telegram out of Washington authorizing the company which is making "non-essentials." A list has already been made. The procedure will be merely to forward this list to the power companies here and depend upon them to cut off electricity from these concerns. The lists may be revised from time to time.

There is evidence that given every privilege and no further curtailment of their operation will be permitted.

BALTIMORE CARS COLD.

United Railways Cut Lights Also to Conserve Fuel.

Special Dispatch to The Sun

BALTIMORE, Dec. 16.—The United Railways, in order to insure a sufficient supply of coal for the city's needs, has ordered that all street cars be turned out to-morrow, but into effect drastic cuts in the usual Sunday schedules on all lines. In addition, all heat was taken from the cars and all night street cars could be turned out on the cars and still leave enough illumination for the passengers to count their change and the conductors to see the transfers were turned out.

Officials stated that the cuts were made on every line with a view to conserving as little coal as possible. The reductions in service amounted to as high as 50 per cent. on some lines and down to 30 per cent. on others. On lines which touch only city points and on which the traffic even on Sunday is heavy.

The bins at the United power houses have enough coal to last for a week's supply, but the coal shortage is so acute that the United power houses have had to turn out the cars to-morrow to insure the operation of the cars to-morrow on practically the same schedule on which they were operated during the last few days.

While coal has been promised for Tuesday's operation there is nothing definite in sight, and the United officials believe it is being relieved and that the shortage would be far less acute by Monday night.

Three weeks ago New York fuel officials, having been told in no uncertain words by Manhattan dealers that the Washington officials were not living up to a previously made agreement whereby the New York fuel administration was to reduce its output of the anthracite mines each week, sent a representative to Washington. Albert H. Wiggin, the New York fuel administrator, was talked with Dr. Garfield by telephone.

Promises Reaffirmed.

As a result the fuel administration reaffirmed its promise. The reduced output of coal was made by Dr. Garfield was not given out, but New York fuel officials and leading coal dealers agreed that the assurances of Dr. Garfield were such that there was no reason to doubt that the needs of New York would be met.

During the last two weeks newspaper men repeatedly have asked Dr. Garfield what steps were being taken to help New York get more coal. He has invariably turned to an assistant and asked for information. The replies have been optimistic, but vague and general. In fact, none in the Fuel Administration seemed to have data on the amount of coal in transit to or due in New York. The reply of his assistants appeared wholly to satisfy Dr. Garfield, and he has never so much as hinted that blockades on the Pennsylvania and New Jersey lines were seriously threatening shipments to Eastern coal dealers.

Railroad lines from the anthracite fields to New York have been congested by westbound freight, stalled by tangled conditions at Pittsburgh. Agents of the Fuel Administration were dispatched to Pittsburgh and to south central Ohio to investigate the situation. Reports received here, according to Dr. Garfield's office, show that Pennsylvania lines are being cleared up rapidly.

Rely Upon Freight Programme.

The new freight programme of the Railroad War Board, effective in the last week and by which through trains are being sent out without stop for reclassification, is one of the chief measures upon which the Fuel Administration depends for preventing a repetition of the coal shortage. It has not been easy for railroads and shippers to change almost overnight the routes by which coal has reached consumers. Lesser railroad executives also have shown a hesitancy to change routings which have gone over certain lines for many years.

The Fuel Administration has found that the railroads, because of the complexity of their organizations, have not been able enough in administration to untangle the congested traffic terminals in time to northern ports because of the ice.

Continued on Second Page.

## Fuel Shortage Crisis at an End Unless Another Blizzard Comes, Say Officials and Railroad Men

THOUSANDS OF TONS DUE TO-DAY

Administration's Promise to Divert One Day's Shipment Weekly Thought to Have Failed in Accomplishment—Subordinates Were in Charge of City's Needs

Lack of coal for New York is a problem here this morning such as the city has never had to ponder hitherto. While the crisis is said to have been passed with the announcement that there is plenty of anthracite in New Jersey available for immediate delivery in Manhattan and the other boroughs of the greater city, it is, nevertheless, a fact that the snow blockade is a tremendous bar to prompt deliveries.

Coupled with the present difficulties of transportation comes a forecast from the Weather Bureau of another snowstorm and continued cold weather.

Coal Administrator Garfield in Washington announced last night that New York would be safeguarded against a famine, but it is recalled that he made the same announcement three weeks ago. At that time he said that one day's shipment from the anthracite regions would be diverted for New York each week. A dispatch from Washington announces a shifting of blame between the Fuel Administration and the railroads.

A marked evidence of the lack of fuel locally was the absence of white lights on Broadway last night. For the first time in years the city street lamps were visible. It was the first of the city's "lightless nights." Thursday night will be the next.

Most significant, in view of the fact that the shortage of coal here has been ascribed to its diversion to other cities, is the announcement from numerous points throughout the country that the shortage is as acute there as in New York city.